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BEFORE THE
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

Case No. 7-2002

ALVIN VICTOR PRASAD
154 Bonny St.
Mountain View, CA 94043

STATEMENT OF ISSUES

Applicant.

Complainant alleges:

PARTIES

1. Gretchen L. KJose (Complainant) brings this Statement of Issues solely in her official capacity as the Executive Officer of the California Board of Occupational Therapy, Department of Consumer Affairs.

2. On or about December 28, 2002, the California Board of Occupational Therapy, Department of Consumer Affairs received an application for an Occupational Therapist license from Alvin Victor Prasad (Applicant). On or about December 23, 2002, Alvin Victor Prasad certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Board denied the application on January 28, 2003.

JURISDICTION

3. This Statement of Issues is brought before the California Board of Occupational Therapy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise

1 indicated.

2 4. Section 480 states, in pertinent part:

3 "(a) A board may deny a license regulated by this code on the grounds that the
4 applicant has one of the following:

5 "(1) Been convicted of a crime. A conviction within the meaning of this section
6 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action
7 which a board is permitted to take following the establishment of a conviction may be taken
8 when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal,
9 or when an order granting probation is made suspending the imposition of sentence, irrespective
10 of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

11 ...

12 "(3) Done any act which if done by a licentiate of the business or profession in
13 question, would be grounds for suspension or revocation of license.

14 "The board may deny a license pursuant to this subdivision only if the crime or act
15 is substantially related to the qualifications, functions or duties of the business or profession for
16 which application is made.

17 ...

18 5. Section 493 of the Code states:

19 "Notwithstanding any other provision of law, in a proceeding conducted by a board
20 within the department pursuant to law to deny an application for a license or to suspend or revoke
21 a license or otherwise take disciplinary action against a person who holds a license, upon the
22 ground that the applicant or the licensee has been convicted of a crime substantially related to the
23 qualifications, functions, and duties of the licensee in question, the record of conviction of the
24 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
25 and the board may inquire into the circumstances surrounding the commission of the crime in
26 order to fix the degree of discipline or to determine if the conviction is substantially related to the
27 qualifications, functions, and duties of the licensee in question.

28 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and

1 'registration.'"

2 6. Section 2570.28 of the Code states, in pertinent part:

3 "The board may deny or discipline a licensee for any of the following:

4 ...
5 (a) Unprofessional conduct, including, but not limited to, the following:

6
7 (e) Conviction of a crime or of any offense substantially related to the qualifications,
8 functions, or duties of a licensee, in which event the record of the conviction shall be conclusive
9 evidence thereof.

10 ...
11 (i) Committing any act punishable as a sexually related crime, if that act is substantially
12 related to the qualifications, functions, or duties of a licensee, in which event a certified copy of
13 the record of conviction shall be conclusive evidence thereof."

14 CAUSE FOR DENIAL OF APPLICATION

15 (Criminal Convictions)

16 7. Applicant's application is subject to denial under sections 480(a)(1),
17 480(a)(3), 2570.28(a), 2570.28(e) and/or 2570.28(i), in that on or about January 22, 1993, in a
18 criminal proceeding entitled *People vs. Alvin Victor Prasad* in Santa Clara County Municipal
19 Court, Case Number B9205900, Applicant was convicted by plea of nolo contendere of violating
20 Penal Code section 314.1 (lewd or obscene conduct), a misdemeanor, and a crime substantially
21 related to the practice of occupational therapy. The circumstances are as follows:

22 a. On or about September 9, 1992, at Eagle Park in Mountain View,
23 California, Applicant exposed himself and masturbated in a public park in view of others.

24 b. On or about January 22, 1993, Applicant was sentenced to fifteen
25 days in jail and two years formal probation, and was ordered not to visit Eagle Park.

26 8. Applicant's application is subject to denial under sections 480(a)(1), 480(a)
27 (3), 2570.28(a), 2570.28(e) and/or 2570.28(i), in that on or about November 18, 1999, in a
28 criminal proceeding entitled *People vs. Alvin Victor Prasad* in Santa Clara County Superior

1 Court, Case Number B9945979, Applicant was convicted by plea of nolo contendere of violating
2 Penal Code section 290(g)(1) (failure to register as a sex offender), a misdemeanor, and a crime
3 substantially related to the practice of occupational therapy. The circumstances are as follows:

4 a. On or about September 4, 1999, during an audit of the Mountain
5 View Police Department's sex registrant files, it was discovered that Applicant was not
6 registered as a sex offender as required by Penal Code section 290.


7 b. On or about November 18, 1999, Applicant was sentenced to
8 fifteen days in jail and three years court probation, and was ordered not to visit Eagle Park.

9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein
11 alleged, and that following the hearing, the California Board of Occupational Therapy issue a
12 decision:

- 13 1. Denying the application of Alvin Victor Prasad for a Occupational
14 Therapist license;
15 2. Taking such other and further action as deemed necessary and proper.

16
17 DATED: June 9, 2003

18
19 
20 GRETCHEN L. KJOSE
21 Executive Officer
22 California Board of Occupational Therapy
23 Department of Consumer Affairs
24 State of California
25 Complainant

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